ALJ/JMH/jva Mailed 8/26/2005

Decision 05-08-027 August 25, 2005

#### BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Revenue Requirements for Electric and Gas Service and to Increase Rates and Charges for Gas Service Effective on January 1, 2003. (U 39 M)

Application 02-11-017 (Filed November 8, 2002)

And Related Matters.

Application 02-09-005 (Filed September 6, 2002) Investigation 03-01-012 (Filed January 16, 2003)

### OPINION GRANTING INTERVENOR COMPENSATION TO THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTIONS TO DECISIONS 04-05-055 AND 04-10-034

This decision awards \$407,613.22 to The Utility Reform Network (TURN) as compensation for its contributions to Decision (D.) 04-05-055 and D.04-10-034.

### 1. Background

Pacific Gas and Electric Company (PG&E) filed Application (A.) 02-09-005 requesting reimbursement of costs associated with its customer information system and related rebate program. In A.02-11-017, a General Rate Case (GRC), PG&E requested increases in its electric and gas service rates. In late 2002, the state experienced heavy storms and rains that caused power outages and damage throughout PG&E's service territory. As a result, the Commission

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opened Investigation (I.) 03-01-012 to review PG&E's response to the storms and the reliability of its electric system. On February 13, 2003, Administrative Law Judge (ALJ) Cooke issued a ruling consolidating these three proceedings.

Hearings on these matters were separated into phases. D.04-05-055 addressed a settlement reached in the revenue requirement phase of the GRC, and D.04-10-034 addressed storm and reliability issues. TURN participated actively in all phases of this proceeding and made contributions to most of the major issues. The proceeding remains open to addresses issues such as marginal cost, revenue allocation and rate design.

# 2. Requirements for Awards of Compensation

The intervenor compensation program, which is set forth in sections 1801 through 1812, requires a utility to pay the reasonable costs of an intervenor's participation in a Commission proceeding if the intervenor makes a substantial contribution to the Commission's order or decision. (§ 1802.5.) In order to receive an award of compensation under the program an intervenor must:

- Satisfy certain procedural requirements, including the requirement to file a notice of intent to claim compensation (NOI) within 30 days of the prehearing conference (PHC), or as otherwise provided under section 1804, subdivision (a)(1).
- Be a customer or a participant representing consumers, customers, or subscribers of a utility subject to our jurisdiction. (§ 1802(b).)
- File and serve a request for a compensation award within 60 days of our final order or decision in a hearing or proceeding. (§ 1804(c).)
- Demonstrate "significant financial hardship." (§§ 1802(g), 1804(b)(1).)

- Through its presentation, have made a "substantial contribution" to the proceeding through the adoption, in whole or in part, of the intervenor's contention or recommendations by a Commission order or decision. (§§ 1802(i); 1803(a).)
- Claim fees and costs that are reasonable and are comparable to the market rates paid to experts and advocates having comparable training and experience and offering similar services. (§ 1806.)

For discussion here, the procedural issues in Items 1-4 above are combined, followed by separate discussions on Items 5 and 6.

#### 3. Procedural Issues

A PHC in this matter was held on January 29, 2003. TURN timely filed its Notice of Intent (NOI) on February 27, 2003. On April 9, 2003, ALJ Cooke ruled that TURN was a customer pursuant to § 1804(b). The ruling also found TURN met the significant financial hardship condition through a rebuttable presumption of eligibility, pursuant to § 1804(b)(1), because TURN met the financial hardship requirement in another proceeding within the previous year (Ruling dated March 25, 2003 in A.02-07-050). TURN timely filed its request for compensation on January 3, 2005, within 60 days of D.04-10-034 being issued. TURN's request is unopposed.

We find that TURN has satisfied all the procedural requirements necessary to request compensation.

As noted earlier, this proceeding is still open; however, under Rule 76.72 of our Rules of Practice and Procedure, an intervenor need not await the decision closing a proceeding if it has substantially contributed to the resolution of an issue in an earlier decision. Given the length of this proceeding, it is reasonable

for TURN now to seek compensation for its contributions to D.04-05-055 and D.04-10-034.

#### 4. Substantial Contribution

To determine that an intervenor made a substantial contribution to a proceeding, the Commission must find that the ALJ or Commission adopted one or more of the factual or legal contentions or specific policy or procedural recommendations made by the intervenor (§ 1802(i)); and if the intervenor's contentions or recommendations paralleled those of another party, that its participation materially supplemented, complemented, or contributed to the presentation of the other party or to the development of a fuller record which assisted the Commission in making its decision (§§ 1802(i) and 1802.5). In assessing whether the customer satisfies the second requirement, the Commission typically reviews the record, including the intervenor's pleadings and (in litigated matters) the hearing transcripts, and compares them with the findings, conclusions, and orders in the decision. The determination whether the intervenor's presentation substantially assisted the Commission is committed to the Commission's discretion. (D.98-04-059, 79 CPUC2d 628 at 653.)

TURN made substantial contributions to both D.04-10-034 and D.04-05-055. The specific contributions are summarized as follows:

### a. D.04-10-034--Storm and Reliability Issues

As TURN asserts, the Commission adopted nearly all of its proposals in D.04-10-034. In particular, the Commission,

 Concurred with TURN's position that PG&E's response to the December 2002 storms was not reasonable in light of the problems experienced with management of outage information on its system;

- Concurred with TURN that prior value of service studies performed by PG&E are outdated and can no longer be used to justify reliability investments, and endorsed TURN's proposal that PG&E be required to prepare a new study prior to filing its next GRC, and to require any such study to include a "willingness to pay" element;
- Modified the Commission's Office of Ratepayer Advocates (ORA)/PG&E Agreement 7 to require PG&E to amortize the \$3.05 million cost of mobile data terminals over three years, as proposed by TURN;
- Adopted PG&E's revised proposal to amortize \$7.38 million in Outage Information mapping costs over four years. The revision was based upon testimony submitted by TURN urging a multi-year amortization of these items;
- Concurred with TURN's position that PG&E should not be permitted to recover additional costs associated with fixing the treatment of single customer outages in its Outage Information System, because this functionality should have been incorporated into the prior \$34 million overhaul of that system. The Commission modified the ORA/PG&E Agreement 7 to remove \$1million in capital and \$2.45 million in expense funding for the single customer outage issue;
- Concurred with TURN's conclusion that acceleration of the tap fuse installation program should be expected to improve reliability relative to current performance;
- Concurred with TURN's conclusion that PG&E's projected expenditures on "Dependability" programs should be expected to improve reliability as compared with present performance;
- Concurred with TURN that planned improvements to PG&E's Outage Information System and Call Center are likely to result in better reliability performance;

- Based upon TURN's comparison of estimated reliability performance in light of requested funding levels, concluded that PG&E should "meet and exceed the target levels" contained in the PG&E/Coalition of California Utility Employees (CUE) proposal without any incremental funding or incentives, and adopted prospective reliability targets based on the evidence regarding expected future performance. As a result the Commission found insufficient evidence to support the CUE/PG&E request for \$27 million in incremental funding to achieve the proposed reliability targets;
- Concurred with TURN that the reliability memorandum account proposed by PG&E and CUE to track incremental spending would allow the reallocation of program budgets to substitute incremental funds for base GRC revenues and create the false appearance of additional reliability activities. The Commission rejected the creation of this account in accordance with TURN's objection;
- Concurred with TURN that any new call center standard adopted by the Commission should reflect at least the same level of service as the previous standard.

#### b. D.04-05-055—GRC Phase 1 Final Decision

D.04-05-055 resolved the major issues in PG&E's GRC. The decision adopted two major settlements, without modification, to which TURN was a party: the generation settlement and the distribution settlement. D.04-05-055 also approved a stipulation filed jointly by PG&E, ORA, TURN, the San Luis Obispo Mothers for Peace, and the Diablo Canyon Independent Safety Committee, providing for the continuation of the latter organization through 2006.

These agreements do not specify the contributions made by each party. However, the combined impact of the generation and distribution agreements is a reduction by \$304 million of PG&E's proposals for electric distribution, gas

distribution, and electric generation. TURN was a major participant in the negotiation of both agreements and made a significant contribution to each. Specific contributions are detailed below.

- TURN's total proposal for Administrative and General (A&G) expenses was \$853,000 lower than the sum set forth in the ORA comparison exhibit. TURN focused on the areas of Holding Company costs and allocation of additional costs below the line for the Revenue Requirements, Internal and External Communications, and Affiliate Rules and Regulatory Compliance Departments. The distribution settlement specified a \$64 million reduction from PG&E's total A&G request. In the decision the Commission noted that "ORA and TURN's analyses have cast substantial doubt on the reasonableness of PG&E's A&G forecast," and that the "sizable reduction to PG&E's request" is reasonable in light of the evidence presented and the entirety of the settlement.
- TURN opposed PG&E's position that it should charge nuclear decommissioning trust fund administrative fees to A&G accounts and assign these costs to a nuclear decommissioning unbundled cost category (UCC). Such reallocation would have entitled PG&E to collect such costs from all distribution customers, including those served by direct access providers, rather than exclusively from bundled customers. The decision adopted a joint recommendation by PG&E and TURN to classify these costs to the generation UCC in this case, but with PG&E's agreement to include these and future costs in its next triennial nuclear decommissioning proceeding. PG&E agreed to propose an allocation of nuclear decommissioning costs in this GRC consistent with historical treatment.
- TURN's proposals for distribution Operations and Maintenance (O&M) endorsed ORA's recommendations and proposed \$8.85 million in additional reductions. The

- adopted settlement includes a reduction from PG&E's request of approximately \$8.5 million for electric and \$1.4 million for gas, reflecting TURN's contribution.
- TURN recommended reductions in PG&E's Customer Accounts and Services expenses of approximately \$16.1 million in the areas of customer retention, utility operations, Internet projects and customer information systems. The adopted settlement reduces PG&E's requested amount by approximately \$5 million for electric and \$1 million for gas, and includes a zero expense amount for customer retention and development.
- TURN proposed that PG&E charge new customers for connection to the system, including a number of line items that PG&E sought to recover from all ratepayers. TURN alone raised this issue. The adopted settlement requires PG&E, beginning in 2004, to charge processing expenses, process improvement expenses, and non-residential customer revenue expenses to new customer connection applicants.
- TURN proposed extensive modification of PG&E
  depreciation expenses to alter net salvage values, average
  service lives and survivor curves, resulting in a
  \$172 million revenue reduction. The adopted settlement
  contains a \$102 million reduction in depreciation expenses
  compared to PG&E's original proposal. TURN's position
  on this issue was notably strong, and its contribution
  particularly significant.
- TURN joined in Aglet Consumer Alliance's (Aglet)
  position that PG&E forecast of joint pole receipts should be
  \$4.1 million higher than forecast in the application. The
  adopted settlement includes the higher revenue forecast
  recommended by Aglet and TURN.
- TURN proposed three sets of reductions to PG&E's working cash: a \$99 million reduction for accrued vacation liability; a \$116 million reduction for customer deposits;

and a reduction of approximately \$5 million for accounts receivable and tax collections payable. The adopted settlement reduced working cash by approximately \$63 million for electric and \$37 million for gas, in 2003 dollars, from the proposed PG&E Comparison Exhibit, a compromise of the PG&E, ORA and TURN positions.

- TURN opposed PG&E's proposal to increase the current six-dollar fee for a check returned for insufficient funds to ten dollars. The settlement adopted are eight dollar fee, a compromise of PG&E, ORA, and TURN positions.
- TURN proposed disallowing \$73.5 million in capital expenditures and \$13 million in expenses associated with PG&E's Customer Information System. The adopted settlement includes a \$6 million reduction in O&M expenses and a \$7 million credit against the capital revenue requirement through 2006. D.04-05-055 notes the \$7 million compromise revenue requirement credit is reasonable because it yields a dollar amount close to that proposed by TURN.
- TURN criticized the fees PG&E charges customers for paying bills with credit or debit cards, and urged PG&E to seek alternatives that result in lower fees. The adopted settlement directs PG&E to do so when its current vendor contract expires.
- TURN proposed a number of modifications to generation revenue requirements that were included in the adopted generation settlement. Included are the removal of certain regulatory assets from the rate base, resulting in a \$10 million reduction; amortization of the flow-through regulatory asset over a longer period, a compromise of PG&E's and ORA/TURN's respective positions; lengthening of the depreciable life of major plant components for Diablo Canyon, also a compromise; ensuring that low pressure turbine rotor replacement receives reasonableness review in the next GRC; and

- requiring PG&E to submit its steam generator replacement project as a separate application outside this GRC.
- TURN's recommendation that the Commission require PG&E to justify any increases in executive compensation in excess of the labor escalator was adopted in the decision.

TURN's contributions are substantial in both variety and magnitude. Any duplication in the respective contributions made by TURN, ORA and Aglet are insignificant and immaterial. TURN's presentation in certain instances supplemented that of ORA or Aglet, but these parties generally divided responsibility in a manner ensuring that their efforts were not redundant.

In view of the above, we find TURN made a significant contribution to both decisions, as described herein.

### 5. Requested Compensation

TURN requests an award of \$407,613.221 for its participation in this proceeding, as detailed below.<sup>2</sup>

### <u>Attorney Fees</u>

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IN /	Iつtt	$\mathbf{h} \mathbf{n} \mathbf{x} \mathbf{x}$	Hrand	lman
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2002	4.75 hrs @ \$200	\$ 950.00
2003	172.25 hrs @ \$225	38,756.25
2003	159.75 hrs @ \$250	39,937.50
2004	23.75 hrs @ \$270	6,412.50
	6.0 hrs @ \$135 (compensation request)	810.00
Robe	rt Finkelstein	
2003	229.0 hrs @ \$ 365	83,585.00

 $<sup>^{\</sup>rm 1}\,$  This sum is modified to reflect computational errors.

<sup>&</sup>lt;sup>2</sup> These figures have been corrected to eliminate certain clerical errors.

# A.02-11-017 et al. ALJ/JMH/jva $\,$

	0.5 hrs @ \$182.50 (compensation request)	91.25
2004	13 hrs @ \$395	5,135.00
	6.0 hrs @ \$197.50 (compensation request)	1,185.00

# A.02-11-017 et al. ALJ/JMH/jva

	Daniel Edington		
20	003 5.7 hrs @ \$190		1,083.00
	Bill Nusbaum		
20	003 8.5 hrs @ \$340		2,890.00
		Subtotal	\$ 180,835.50
Expe	rt Witness Fees and Expe	<u>enses</u>	
JBS E	NERGY, INC.		
	William Marcus		
2002	3.5 hrs @ \$175		612.50
2003	109.63 hrs @ \$185		20,281.55
2004	0.67 hrs @ \$195		130.65
	Gayatri Schilberg		
2001	17 hrs @ \$115		1,955.00
2002	6.31 hrs @ \$130		820.30
2003	459.18 hrs @ \$140		64,285.20
2004	20.38 hrs @ \$150		3,057.00
	Jeff Nahigian		
2002	11 hrs @ \$100		1,100.00
2003	343 hrs @ \$125		42,875.00
2004	8.5 hrs @ \$140		1,190.00
	Greg Ruszovan		
2003	3.6 hrs @ \$115		414.00
	Ron Faubion		
2003	8.2 hrs @ \$55		451.00
	Expenses		924.65
		Subtotal – JBS	\$ 138,096.85

### DIVERSIFIED UTILITY CONSULTANTS, INC.

	Jacob Pous			
2004	399 hrs @ \$150			59,850.00
	Sara Coleman			
2004	74 hrs @ \$100			7,400.00
	Expenses			2,704.95
		Subtotal - DUCI	;	\$ 69,954.95
ERIC	WOYCHIK			
2003	68.85 hrs @ \$ 170			11,704.50
Other	· costs			
	Photocopying			2,214.09
	Postage			162.18
	FedEx/Delivery			124.36
	Phone/FAX			272.60
	LEXIS			206.14
	Miscellaneous (transcrip	ots)		4,042.05
		Subtotal – costs	\$	7,021.42
		TOTAL	\$	407,613.22

# 6. Reasonableness of Compensation Request.

Only reasonable fees and costs associated with work that results in a substantial contribution may be compensated under the program. D.98-04-059 in Rulemaking 97-01-009 et al. additionally directs intervenors to make a demonstration of productivity by assigning to ratepayers a reasonable dollar value for the benefits of the intervenor's participation, and requiring that it bear a

reasonable relationship to the benefits realized by the ratepayers. The number of hours claimed for the intervenor's work must also be reasonable.

First, determination of the ratepayer benefits of TURN's participation in monetary terms is somewhat difficult in this proceeding, because so many of the issues in the GRC Phase 1 portion were resolved by a negotiated settlement beyond the view of the ALJ and Commission. However, comparison of the settlement result with PG&E's original proposals discloses a savings to ratepayers of \$304 million. TURN's specific contributions to the achievement of that result have already been discussed.

The storm and reliability issues, on the other hand, were primarily litigated. Commission acceptance of TURN's proposals for amortizing certain technology costs over multiple years and prohibiting recovery of costs associated with single customer outages in its Outage Information System reduced the test year revenue requirement by almost \$10 million. The Commission also concurred with TURN that PG&E's request for \$27 million in incremental reliability funding was supported by insufficient evidence, which we regard as an identifiable monetary benefit.

Second, the total number of hours TURN devoted to this proceeding is reasonable in light of its size and complexity. This large utility GRC required two years and the efforts of numerous attorneys and experts to prepare and present. Such a proceeding necessitates the plenary review of the utility's operations. All parties devoted substantial resources to this effort. TURN assigned two staff attorneys to this proceeding in recognition of its magnitude and complexity, each with separate responsibilities by issue. Its efforts were efficient because of its prevention of redundant efforts.

The claimed time for TURN's attorneys is supported by detailed records showing recorded hours, all reasonable for the underlying tasks. The time for expert witness and consulting fees, both directly related to TURN's substantial contributions is based upon actual billings.

### c. Attorney fees

Matthew Freedman was lead counsel in this proceeding, represented TURN during most of the 2003 hearings, and drafted most of its briefs and pleadings. TURN is requesting hourly rates for Freedman of \$200 for 2002, \$225 for the first half and \$250 for the second half of 2003, and \$270 for 2004. All of these rates previously were approved and we adopt them here (D.03-05-065, D.04-02-017, D.04-10-031 and D.05-06-049, respectively).

Robert Finkelstein supervised Freedman, directed and presented TURN's position on depreciation issues, and led its participation in settlement negotiations. Finkelstein previously was awarded the requested hourly rates of \$365 for 2003 and \$395 for 2004 (D.05-01-007 and D.05-03-016), and we approve these same rates here.

Daniel Edington and Bill Nusbaum previously awarded the requested hourly rates for work performed in 2003 of \$190 and \$340, respectively (D.04-05-048 and D.04-12-054), and we approve these same rates here.

### d. Expert Witness Fees and Expenses

JBS Energy, Inc.'s principal expert witnesses, Principal Economist William Marcus and Senior Economists Gayatri Schilberg and Jeff Nahigian, all have served as experts in previous Commission proceedings. Each developed and presented separate and distinct testimony on all issues other than depreciation. Greg Ruszovan, a computer modeler, devoted limited time, preparing data request responses. Ron Faubion, a staff analyst, assisted with the initial review

and analysis of PG&E's data request responses. Requested hourly rates for all JBS Energy staff previously were approved in D.05-06-031, except for Schilberg's 2001 rate (approved in D.03-05-062) and \$55/hour rate for Faubion, which we find reasonable based on the eight hours of analytical work he performed. We adopt all these rates here. The requested direct expenses of JBS Energy are directly related to its work in this proceeding and we also find them reasonable.

The hourly rates sought for the services of Jacob Pous and Sara Coleman of Diversified Utility Consultants, Inc. (DUCI) are consistent with those previously awarded in D.05-06-031, and we adopt those rates here. Their contributions relate to depreciation, a major component of PG&E's requested revenue requirement increase. The related direct expenses claimed for DUCI, which involved travel from their Texas offices, were reasonable and necessary for its work.

TURN requests an hourly rate of \$170 for work performed in 2003 by Eric Woychik of Strategy Integration. He evaluated PG&E's request for new-customer-related costs that were incorporated into Nahigian's testimony. The Commission previously approved this rate in D.04-08-042 and we adopt it here.

### e. Other Expenses

TURN's claim for related expenses (photocopying, postage, delivery costs, telephone, FAX, LEXIS and miscellaneous) is \$7,021.42. The largest components are \$4,042.05 for transcripts purchased from the Commission and \$2,214.09 for photocopying. These costs are commensurate with the nature and magnitude of the proceeding, and we find them reasonable.

### 7. Award

As set forth in the table below, we award TURN \$407,613.22 as reasonable compensation for its significant contributions to D.04-05-055 and D.04-10-034.

### A.02-11-017 et al. ALJ/JMH/jva

### **Attorney Fees**

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2002	4.75 hrs @ \$200	\$ 950.00
2003	172.25 hrs @ \$225	38,756.25
2003	159.75 hrs @ \$250	39,937.50
2004	23.75 hrs @ \$270	6,412.50
	6.0 hrs @ \$135 (compensation request)	810.00
Robert l	Finkelstein	
	229.0 hrs @ \$ 365	83,585.00
	0.5 hrs @ \$182.50 (compensation request)	91.25
	13 hrs @ \$395	5,135.00
	6.0 hrs @ \$197.50 (compensation request)	1,185.00
Danie	el Edington	
	5.7 hrs @ \$190	1,083.00
Bill N	Jusbaum	
	8.5 hrs @ \$340	2,890.00
	Subtotal	\$ 180,835.50

### **Expert Witness Fees and Expenses**

### JBS ENERGY, INC.

### William Marcus

3.5 hrs @ \$175	612.50
109.63 hrs @ \$185	20,281.55
0.67 hrs @ \$195	130.65

# A.02-11-017 et al. ALJ/JMH/jva $\,$

68.85 hrs @ \$ 170

Gayatri Schilberg			
17 hrs @ \$115			1,955.00
6.31 hrs @ \$130			820.30
459.18 hrs @ \$140			64,285.20
20.38 hrs @ \$150			3,057.00
Jeff Nahigian			
11 hrs @ \$100			1,100.00
343 hrs @ \$125			875.00
8.5 hrs @ \$140			1,190.00
Greg Ruszovan			
3.6 hrs @ \$115			414.00
Ron Faubion			
8.2 hrs @ \$55			451.00
Expenses			924.65
	Subtotal – JBS	\$	138,096.85
DIVERSIFIED UTILITY CONS	ULTANTS, INC.		
Jacob Pous			
399 hrs @ \$150			59,850.00
Sara Coleman			
74 hrs @ \$100			7,400.00
Expenses			2,704.95
	Subtotal – DUCI	\$	69,954.95
ERIC WOYCHIK			

11,704.50

### Other costs

Photocopying		2,214.09
Postage		162.18
FedEx/Delivery		124.36
Phone/FAX		272.60
LEXIS		206.14
Miscellaneous (transcrip	ots) `	4,042.05
	Subtotal – costs	\$ 7,021.42
	TOTAL	\$ 407,613.22

Consistent with previous Commission decisions, we order that interest be paid on the award amount (at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release H.15) commencing on March 19, 2005, the 75th day after TURN filed its compensation request, and continuing until full payment of the award is made.

Commission staff may audit TURN's records related to this award. As in all requests for compensation, an intervenor must make and retain adequate accounting and other documentation to support all claims. TURN's records should identify specific issues for which it requested compensation, the actual time spent by each employee or consultant, the applicable hourly rate, fees paid to consultants, and any other costs for which compensation was claimed.

#### 8. Waiver of Comment Period

This is an intervenor compensation matter. Accordingly, as provided by Commission Rule of Practice and Procedure (Rule) 77.7, subdivision (f)(6), we waive the otherwise applicable 30-day comment period for this decision.

### 9. Assignment of Proceeding

Michael Peevey is the Assigned Commissioner, and Julie Halligan is the assigned ALJ in this proceeding.

### **Findings of Fact**

- 1. TURN made substantial contributions to D. 04-05-055 and D.04-10-034, as described herein.
- 2. TURN requested hourly rates for attorneys and experts that are reasonable when compared to the market rates for persons with similar training and experience, with certain limited exceptions noted in the text of the decision.
  - 3. The total of the reasonable compensation is \$407,613.22.
  - 4. The Appendix to the opinion summarizes today's award.

### **Conclusions of Law**

- 1. TURN has fulfilled the requirements of sections 1801 through 1812 of the California Public Utilities Code, which govern awards of intervenor compensation, and is entitled to compensation for its substantial contributions to D.04-05-055 and D.04-10-034.
- 2. TURN should be awarded \$407,613.22 for its contributions to D.04-05-055 and D. 04-10-034.
- 3. The comment period for this compensation decision should be waived pursuant to Rule 77.7.
- 4. This order should be effective today so that Aglet may be compensated without further delay.

### ORDER

#### **IT IS ORDERED** that:

- 1. The Utility Reform Network (TURN) is awarded \$407,613.22 as compensation for its substantial contributions to Decision (D.) 04-05-055 and D.04-10-034.
- 2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay TURN the total award. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning March 19, 2005, the 75th day after the filing date of TURN's request for compensation and continuing until full payment is made.
  - The comment period for today's decision is waived.
     This order is effective today.
     Dated August 25, 2005, at San Francisco, California.

President
GEOFFREY F. BROWN
SUSAN P. KENNEDY
DIAN M. GRUENEICH
JOHN A. BOHN
Commissioners

# **Compensation Decision Summary Information**

Compensation	
Decision:	D0508027
Contribution	
Decision(s):	D.04-05-055; D.04-10-034
Proceeding(s):	A.02-11-017; A.02-09-005; I.03-01-012
Author:	ALJ Halligan
Payer(s):	Pacific Gas and Electric Company

### **Intervenor Information**

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Reform Network	1/3/05	\$407,613.22	\$407,613.22	No	Failure to justify, hourly rates.

### **Advocate Information**

First Name	Last Name	Туре	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Matthew	Freedman	Attorney	The Utility Reform Network	\$200	2002	\$200
"	"	"	"	\$225	2003	\$225
"	"	"	"	\$250	2003	\$250
66	66	66	46	\$270	2004	\$270
Robert	Finkelstein	Attorney	The Utility Reform Network	\$365	2003	\$365
"	66	66	"	\$182.50	2003	\$182.50
"	"	46	"	\$395	2004	\$395
Daniel	Edington	Attorney	The Utility Reform Network	\$190	2003	\$190
Bill	Nusbaum	Attorney	The Utility Reform Network	\$340	2003	\$340
William	Marcus	Economist	The Utility Reform Network	\$175	2002	\$175
"	"	"	"	\$185	2003	\$185
"	"	"	"	\$195	2004	\$195
Gayatri	Schilberg	Economist	The Utility Reform Network	\$115	2001	\$115
"	"	"	"	\$130	2002	\$130
"	u	"	"	\$140	2003	\$140

# A.02-11-017 et al. ALJ/JMH/jva

First Name	Last Name	Туре	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
"	"	"	"	\$150	2004	\$150
Jeffrey	Nahigian	Economist	The Utility Reform Network	\$100	2002	\$100
"	"	"	"	\$125	2003	\$125
"	"	66	The Utility Reform Network	\$140	2004	\$140
Gregory	Ruzzovan	Computer Modeling	The Utility Reform Network	\$115	2003	\$115
Ron	Faubion	Other	The Utility Reform Network	\$55	2003	\$55
Jacob	Pous	Other	The Utility Reform Network	\$150	2004	\$150
Sara	Coleman	Accountant	The Utility Reform Network	\$100	2004	\$100
Eric	Woychick	Other	The Utility Reform Network	\$170	2003	\$170